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10/759,461	01/20/2004	Kang Soo Seo	46500-000123/US	7834
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EXAMINER				
KHAN, ASHER R				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/759,461

**Applicant(s)**

SEO ET AL.

**Examiner**

ASHER KHAN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 26-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 26-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/10/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 12/22/2008; 1/08/2009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 12/22/2008 have been fully considered but they are not persuasive.

In re page 13 line 15 -21, Applicants argue with that Kato does not recite playitem includes duration information indicating whether to display the at least one still picture for one a finite time period.

In response the examiner respectfully disagrees. Kato discloses a playitem (Figs. 2 and 32) includes duration information indicating whether to display the at least one still picture (Video stream clip of a playitem)for one a finite time period (in\_time and out\_time are finite amount of time that are used to playback a playitem 0280-0281).

***Claim Rejections - 35 USC § 112***

1. Claim 1, 26 , 27, 28 and 29 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specification does not mention and "an infinite period of time until user input is received". Specification only mentions reproduction of still images having infinite duration in an order set forth by the play list (0045).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-4, 6-11, 26-31, 33-35, 37-38, 40-42, 44-45, 47-49, 51-52 and 54-56 are rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent Pub. 2002/0164152 A1 to Kato et al. ("Kato") in view of U.S. Patent Pub. 2002/0130896 A1 to Spence et al. "Spence"**

As to claims 1, 26 and 27 Kato discloses a recording medium having a data structure for managing reproduction of still pictures, comprising: a playlist area storing at least one playlist file (0154; 0172; playlist is set of playback domains), the playlist file including at least one playitem (Figs. 7, 39) (0154; 0172), at least one sub-playitem (sub playitem, Fig. 7) and mark information (0160) (0188-0190),

the playitem providing navigation information (EP\_Map; Fig 67; 0347-0350) for reproducing presentation data (Video data and ancillary data, 0170) from a first stream file (AV stream file), the presentation data including the at least one still picture (video data includes picture information; Fig. 39) and associated data (Ancillary data or clip information file; 0170) and not including audio data (Clip can be video or audio, Fig. 71; 0352-0353), the presentation data (video data) being divided into still picture units (play items) in the first stream file such that each still picture unit (Fig. 83) includes a still picture and associated data (video and ancillary data or clip information file; 0170; Figs.

2 and 67), the playitem including duration information (in\_time and out\_time, Fig. 32; 0280-0281) indicating whether to display the at least one still picture for one of a finite period (in and out time is finite time) (0280-0281).

the sub-playitem (Fig.7) associated with the playitem (Fig. 7)and providing navigation information (EP\_Map; Fig. 67;0347-0350) for reproducing audio data from a second stream file (audio stream; 0349-0350), and the mark information including at least one mark pointing to the still picture (160;0188-0192)(0298)(Fig. 83).

Kato does not expressly disclose displaying of atleast one still picture an infinite period of time until user input is received.

Spence discloses displaying of atleast one still picture an infinite period of time until user input is received (0011, 0096).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato with the teachings of Spence. Motivation to combine would have been so that images are displayed until a user has provided an input. So that a user has a greater control of a slide show.

As to claims 2, 30, 37, 44, 51, Kato further discloses wherein the at least one mark includes a type indicator indicating that the mark is of a type used for pointing to a still picture (0193-0194).

As to claim 3, Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189).

As to claim 4, Kato further discloses wherein the at least one mark includes a

playitem indicator indicating the playitem with which the at least one mark is associated (0189) (0190) (Fig. 44) (0294).

As to claims 6, Kato further discloses wherein the mark includes a time stamp indicating a time address of the still picture in the first stream file (0189) (0299).

As to claims 7, Kato further discloses wherein the mark includes a playitem indicator indicating the playitem with which the mark is associated (0189) (0190) (Fig. 44) (0294).

As to claim 8, Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189) (0299).

As to claim 9, Kato further discloses wherein the at least one mark includes a playitem indicator indicating the playitem with which the atleast one mark is associated (0189) (0190) (Fig. 44) (0294).

As to claim 10, Kato further discloses wherein the mark information includes a number of marks, and the mark information includes a number indicator indicating the number of marks (0298).

As to claim 11, Kato further discloses wherein, for each mark, the mark information provides a type indicator indicating a type of the at least one mark (0189) (0190) (Fig. 44) (0294) (0298) (Fig. 43).

As to claim 28, Kato discloses an apparatus for recording a data structure for managing reproduction of at least one still image on a recording medium, the apparatus comprising:

a pick up configured to record data on the recording medium (Fig. 1, Readout unit 26);  
a controller configured to control the pick up (Fig. 1, 26) to record at least one playlist  
file on the recording medium (Fig. 1, controller 23),  
the playlist file including at least one playitem (Fig. 7)(0154), at least one sub-playitem  
(Fig. 7) and mark information (0160)(0188-0190),

the playitem providing navigation information (EP\_Map; Fig 67; 0347-0350) for  
reproducing presentation data (Video data and ancillary data, 0170) from a first stream  
file (AV stream file), the presentation data including the at least one still picture (video  
data includes picture information; Fig. 39) and associated data (Ancillary data or clip  
information file; 0170) and not including audio data (Clip can be video or audio, Fig. 71;  
0352-0353), the presentation data (video data) being divided into still picture units (play  
items) in the first stream file such that each still picture unit (Fig. 83) includes a still  
picture and associated data (video and ancillary data or clip information file; 0170; Figs.  
2 and 67), the playitem including duration information (in\_time and out\_time, Fig. 32;  
0280-0281) indicating whether to display the at least one still picture for one of a finite  
period (in and out time is finite time)(0280-0281).

the sub-playitem (Fig.7) associated with the playitem (Fig. 7) and providing  
navigation information (EP\_Map; Fig. 67; 0347-0350) for reproducing audio data from a  
second stream file (audio stream; 0349-0350), and the mark information including at  
least one mark pointing to the still picture (160; 0188-0192)(0298)(Fig. 83).

Kato does not expressly disclose displaying of atleast one still picture an infinite  
period of time until user input is received.

Spence discloses displaying of atleast one still picture an infinite period of time until user input is received (0011, 0096).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato with the teachings of Spence. Motivation to combine would have been so that images are displayed until a user has provided an input. So that a user has a greater control of a slide show.

As to claim 29, Kato discloses an apparatus for reproducing a data structure for managing reproduction of at least one still image recorded on a recording medium, comprising:

a pickup configured to reproduce data recorded on the computer readable medium(Fig. 1, readout unit, 28);

a controller configured to control the pickup (readout unit, 28) to reproduce at least one playlist file from the recording medium, (Fig. 1, controller 23),

the playlist file including at least one playitem (Fig. 7)(0154), at least one sub-playitem (Fig. 7) and mark information (0160)(0188-0190),

the playitem providing navigation information (EP\_Map; Fig 67; 0347-0350) for reproducing presentation data (Video data and ancillary data, 0170) from a first stream file (AV stream file), the presentation data including the at least one still picture (video data includes picture information; Fig. 39) and associated data (Ancillary data or clip information file;0170) and not including audio data (Clip can be video or audio, Fig. 71; 0352-0353), the presentation data (video data) being divided into still picture units (play items) in the first stream file such that each still picture unit (Fig. 83) includes a still



picture and associated data (video and ancillary data or clip information file; 0170; Figs. 2 and 67), the playitem including duration information (in\_time and out\_time, Fig. 32; 0280-0281) indicating whether to display the at least one still picture for one of a finite period (in and out time is finite time)(0280-0281).

the sub-playitem (Fig.7) associated with the playitem (Fig. 7)and providing navigation information (EP\_Map; Fig. 67;0347-0350) for reproducing audio data from a second stream file (audio stream; 0349-0350), and the mark information including at least one mark pointing to the still picture (160;0188-0192)(0298)(Fig. 83).

Kato does not expressly disclose displaying of atleast one still picture an infinite period of time until user input is received.

Spence discloses displaying of atleast one still picture an infinite period of time until user input is received (0011, 0096).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato with the teachings of Spence. Motivation to combine would have been so that images are displayed until a user has provided an input. So that a user has a greater control of a slide show.

As to claims 31, 38, 45, 52, Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file, and the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (0189-0190)(Fig. 44)(0294).

As to claims 33, 40, 47, 54, Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file

(0189;0299), and the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (Fig. 44; 0189;0190;0294).

As to claims 34, 41, 48, 55, Kato further discloses wherein the at least one mark includes a time stamp indicating a time address of the still picture in the first stream file (0189;0299), and the at least one mark includes a playitem indicator indicating the playitem with which the at least one mark is associated (Fig. 44; 0189-0190;0294).

As to claims 35, 42, 49, 56, Kato further discloses wherein the mark information includes a number of marks, and the mark information includes a number indicator indicating the number of marks, and for each mark, the mark information provides a type indicator indicating a type of the at least one mark (Figs. 43-44; 0189-0190; 0294;0298).

#### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 5, 32, 39, 46 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. 2002/0164152 A1 to Kato et al. ("Kato") in view of U.S. Patent Pub. 2002/0130896 A1 to Spence et al. "Spence" and in further view of U.S. Patent Pub. 2005/0163463 A1 to Schick et al. ("Schick").**

As to claims 5, 32, 39, 46, and 53, Kato and Spence as modified discloses everything claimed as applied in claims 1, 26, 27, 28 and 29 above. In addition Kato discloses wherein the at least one mark includes a mark type indicator indicating that the at least one mark is of a type that provides a point to skip to (Fig. 43). Kato and Spence as modified do not expressly disclose when displaying a slideshow of still pictures.

Schick discloses displaying a slideshow of still pictures (See figs. 4, 7, 16 and 0143).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato and Spence as modified with Schick. Motivation would have been to provide a skipping function having a "skip increment" in a slide show to skip between multiple images.

**6. Claims 36, 43, 50 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Pub. 2002/0164152 A1 to Kato et al. ("Kato") in view of U.S. Patent Pub. 2002/0130896 A1 to Spence et al. "Spence" and in view of U.S. Patent 6,122,436 to Okada et al. "Okada" and in further view of U.S. Patent 6,856,756 B1 to Mochizuki et al. "Mochizuki"**

As to claims 36, 43, 50, 57, Kato and Spence as modified disclose everything claimed as applied in claims 26, 27, 28 and 29 above. Kato and Spence as modified do not expressly disclose wherein the associated data to be graphic data and/or subtitle data.

Okada discloses wherein the related data to be subtitle data (Subtitles, lines 34-49).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato and Spence as modified with the teachings of Okada. Motivation to combine would have been to provide data in subtitles so that additional data could be provided to a viewer.

Kato, Spence and Okada as modified do not expressly disclose related data to be graphic data.

Mochizuki discloses related data to be graphic data (Col. 5, lines 15-47).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine Kato, Spence, and Okada as modified with the teachings of Mochizuki. Motivation to combine would have been to provide data in graphics so that more types of data could be provided to a viewer through subtitles.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHER KHAN whose telephone number is (571)270-5203. The examiner can normally be reached on 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/A. K./  
Examiner, Art Unit 2621